IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 394 OF 2007
IN
CRIMINAL APPEAL NO. 469 OF 2006

Santosh Chandrakant Adagale .. Applicant
v/s.
The State of Maharashtra .. Respondent

Mr. Jayesh B. Kocheta for the applicant.
Mr.D.P. Adsule, Addl. Public Prosecutor for the State.

CORAM : J. H. BHATIA, J.
DATED : 9TH APRIL, 2007

P.C.

Heard Mr. Jayesh B. Kocheta, the learned counsel for the applicant and Mr. D.P. Adsule, the learned A.P.P.

2. The applicant was convicted for the offence punishable under sections 376 and 323 I.P.C. and was sentenced to undergo R.I. for seven years and to pay a fine of Rs.2000/- for the offence under section 376. He has preferred appeal which was admitted. By this application, he seeks to be released on bail pending final hearing and disposal of the appeal.

3. From the Judgment of the trial court, it appears that on 24.2.2005 at about 2.30 p.m. when the prosecutrix girl aged about 14 or 15 years was working in the sugarcane field, the present applicant came from behind, caught her and forcibly committed rape on her. Within a short time when she came out of the field, she found her

mother and told her about the incident. Her evidence finds corroboration from the medical evidence and other circumstances. The learned counsel for the applicant contends that the applicant is in jail for the last about two years and, therefore, he may be granted bail. Taking into consideration the nature of offence committed by the accused, I find that it is not a fit case to grant bail pending the appeal.

The application stands rejected.

(J.H. BHATIA, J.)